

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
 v.)
)
 JOAREZ REIS, aka JOSEPH REIS,)
 aka JOE REIS,)
)
 defendant.)
)

CRIMINAL NO. 03 CR 10213 GA01
VIOLATIONS:
18 U.S.C. 1001 (False Statement to Federal Agency)
18 U.S.C. §1341 (Mail Fraud)
18 U.S.C. §287 (False Claims against United States)

INDICTMENT

The Grand Jury Charges that:

ALLEGATIONS COMMON TO ALL COUNTS

1. At all times pertinent to this Indictment, defendant JOAREZ REIS, aka JOSEPH REIS, aka JOE REIS, was an individual who resided in Hyannis in the District of Massachusetts.
2. At times pertinent to this indictment, REIS held himself out as a person who was in the business of providing tax preparation and immigration application assistance to individuals, particularly individuals of Brazilian origin, many of whom were not fluent in English.
3. At times pertinent to this Indictment, the United States Department of Justice Immigration and Naturalization Service (the “INS”) was responsible for administration and enforcement of immigration laws of the United States.
4. At times pertinent to this Indictment, it was the policy and practice of the INS to permit persons who claimed that they were persecuted in their homelands to remain in this country while the INS investigated and considered their claims, as set forth in applications for asylum.

5. At times pertinent to this Indictment, it was the policy and practice of the INS to permit spouses of persons who had submitted applications for asylum to remain in this country while the INS investigated and considered the applications for asylum.

FALSE STATEMENTS TO THE IMMIGRATION AND NATURALIZATION SERVICE

6. In order to fraudulently take advantage of the INS policy allowing spouses of asylum seekers to remain in the United States, REIS repeatedly submitted to the INS forged “marriage certificates,” which purported to show that various individuals were married to asylum seekers.

7. Among other false and fraudulent documentation submitted to the INS, REIS submitted the following forged “marriage certificates” to the INS in connection with applications to qualify individuals as spouses of persons who had pending asylum applications:

<u>CERTIFICATE NUMBER</u>	<u>DATE OF MARRIAGE</u>	<u>SPOUSES’ NAMES USED</u>
# 000013	January 18, 1999	Geraldo GONCALVES and Delma TEIXEIRA
# 000072	May 18, 1998	Waldemar SILVA and Dirce DA SILVA
# 000247	Sept. 8, 1999	Roger FREITAS and Valeria FREITAS
# 000199	August 11, 1997	Alcino Rodriguez ALVES and Dirce RAMOS
# 000216	August 19, 1996	Cleberson de Oliveira LEMOS and Rita de Cascia ANDRADE
# 000035	March 23, 1997	Wilson NOGUEIRA and Ermelinda Rossman Braun HEIDERIQUI
# 000072	May 18, 1998	Luis Nei BEDIM and Nino DE FARIA
# 12	January 12, 1999	Kleber PEREIRA and Nino DE FARIA

<u>CERTIFICATE NUMBER</u>	<u>DATE OF MARRIAGE</u>	<u>SPOUSES' NAMES USED</u>
# 3	January 12, 1998	Juan Salvador VELASQUEZ and Maria Ozelia ALMEIDA
# 000126	June 6, 1998	Gilvan Oliveira CHAVES and Maria Ines Oliveira DA SILVA
# 000126	June 6, 1998	Luiz Carlos do Carmo REIS and Junia Marisa Nascimento CORREA
# 000199	August 11, 1997	Wilson Marcio DA SILVA and Dione Cardoso de OLIVEIRA
# 000199	August 11, 1997	Edivaldo Cezario PEREIRA and Elaine Cristina Conceicao PORTO

8. By submitting bogus “marriage certificates” and other fraudulent documents to the INS, REIS obtained, and attempted to obtain, work permits and other immigration documents for persons who, as REIS well knew, were not actually married to any asylum seeker.

9. In some instances, the asylum seekers and the “spouses” shown on the bogus “marriage certificates” submitted by REIS had never met or even heard of each other.

10. In such instances, the asylum seekers were unaware that REIS had submitted paperwork to the INS that showed them as “married” to persons other than their actual spouses.

11. In such instances, the “spouses” were unaware that REIS had obtained work permits for them by submitting false “marriage certificates.”

THE SCHEME TO DEFRAUD IMMIGRATION CLIENTS

12. Beginning some time during or prior to 1994 and continuing until on or about June 6, 2001, REIS devised and executed a scheme to defraud clients of his immigration services business.

13. The purpose and objective of the scheme to defraud immigration clients was to obtain fees from clients for preparation and submission of documents to the INS, when, in reality, REIS was preparing and submitting forged and fraudulent documents to the INS.

14. A further purpose of the scheme was to conceal from clients the extent to which REIS's submissions to the INS were based on forged and fraudulent documents so that the clients would not realize they had been defrauded.

15. As part of the scheme, REIS would and did represent to clients that, for a fee, REIS would prepare and cause to be filed with the INS appropriate paperwork needed to obtain permission from the INS for the clients to remain in the United States.

16. As part of the scheme, REIS would and did prepare submissions to the INS that included forged "marriage certificates" and other documents.

17. REIS knew and intended that, in response to his submission of forged documents the INS would, in the ordinary course of its business, mail various documents pertaining to the clients' submissions, including but not limited to work permits and other identification documents.

18. As part of the scheme, REIS concealed from his clients that he had prepared forged "marriage certificates" and other fraudulent filings in order to obtain their work permits and other documents from the INS. Thus, REIS led his clients to believe that REIS had performed the services he had promised.

19. As part of the scheme, REIS submitted change of address notices to the INS, so that mail relating to the clients' immigration status would be delivered to REIS, rather than to the clients. By this means, REIS prevented his clients from learning the true status of their immigration claims and led his clients to believe that REIS had performed the services he had promised.

SUBMISSION OF FALSE CLAIMS FOR TAX REFUNDS

20. In operating his business of preparing income tax returns and immigration applications for individuals, REIS would and did obtain personal and financial information, including social security numbers, from his clients.

21. On various occasions, without his clients' knowledge, REIS used clients' personal and financial information to prepare phony income tax returns, both state and federal, for years that the clients had not filed returns. These phony returns claimed that tax refunds were due to the clients.

22. By using his own Post Office boxes as mailing addresses on phony tax returns, REIS caused tax refund checks to be sent to him, by mail, without his clients' knowledge.

23. REIS arranged to redeem the fraudulently obtained refund checks by depositing them into his own bank account and by negotiating them through third parties.

24. By causing phony federal income tax returns to be filed, REIS submitted, and caused the Internal Revenue Service, an agency of the United States Government, to pay, false claims against the United States.

25. By causing phony Massachusetts income tax returns to be filed, REIS defrauded the government of the Commonwealth of Massachusetts and caused the mails to be used for the purpose of executing that fraud.

COUNTS ONE - FOURTEEN

FALSE STATEMENT TO FEDERAL AGENCY: 18 U.S.C. §1001

(Submission of Fraudulent Documents to Immigration and Naturalization Service)

26. The Grand Jury realleges and incorporates by reference paragraphs 1-19 of this Indictment, and further charges that:

27. On or about the dates set forth below, at Hyannis in the District of Massachusetts and elsewhere,

JOAREZ REIS, aka JOSEPH REIS, aka JOE REIS, defendant herein, in matters within the jurisdiction of the United States Department of Justice Immigration and Naturalization Service, an agency of the United States, knowingly and willfully: falsified, concealed and covered up material facts by trick, scheme and device; made materially false, fictitious and fraudulent statements and representations; and made and used false writings and documents knowing them to contain materially false, fictitious and fraudulent statements and entries. To wit, he submitted and caused to be submitted to the United States Department of Justice Immigration and Naturalization Service false and fraudulent documents, including forged "marriage certificates" together with accompanying correspondence and attachments, knowing that they were not true copies and contained the names of persons who were not in fact married at the times and places reflected in the documents:

<u>COUNT</u>	<u>DATE</u>	<u>FORGED "MARRIAGE CERTIFICATE"</u>
1	July 8, 1998	Brazilian Marriage Certificate and Translation, reflecting marriage on March 11, 1998, of Sandro CORREA and Valeria FREITAS
2	July 20, 1998	Barnstable County Marriage Certificate #000216, reflecting marriage on August 19, 1996, of Cleberson de Oliveira LEMOS, and Rita de Cascia ANDRADE

<u>COUNT</u>	<u>DATE</u>	<u>FORGED "MARRIAGE CERTIFICATE"</u>
3	November 10, 1998	Barnstable County Marriage Certificate #000072, reflecting marriage on May 18, 1998, of Dirce DA SILVA and Waldemar SILVA
4	September 30, 1999	Barnstable County Marriage Certificate #000013, reflecting marriage on January 18, 1999, of Geraldo GONCALVES and Delma TEIXEIRA
5	July 3, 1998	Barnstable County Marriage Certificate #000126, reflecting marriage on June 6, 1998, of Gilvan Oliveira CHAVES and Maria Ines Oliveira DA SILVA
6	July 8, 1998	Barnstable County Marriage Certificate #000126, reflecting marriage on June 6, 1998, of Luiz Carlos do Carmo REIS and Junia Marisa Nascimento CORREA
7	July 22, 1998	Barnstable County Marriage Certificate #000199, reflecting marriage on August 11, 1997, of Alcino Rodriguez ALVES and Dirce RAMOS
8	August 15, 1998	Barnstable County Marriage Certificate #3, reflecting marriage on January 12, 1998, of Juan Salvador VELASQUEZ and Maria Ozelia ALMEIDA
9	August 20, 1998	Barnstable County Marriage Certificate #000199, reflecting marriage on August 11, 1997, of Wilson Marcio DA SILVA and Dione Cardoso de OLIVEIRA
10	August 24, 1998	Barnstable County Marriage Certificate #000072, reflecting marriage on May 18, 1998, of Luis Nei BEDIM and Ninon DE FARIA
11	October 24, 1998	Barnstable County Marriage Certificate #000035, reflecting marriage on March 23, 1997, of Wilson NOGUEIRA and Ermelinda Rossman Braun HEIDERIQUI
12	November 3, 1998	Barnstable County Marriage Certificate #000199, reflecting marriage on August 11, 1997, of Edivaldo Cezario PEREIRA and Elaine Cristina Conceicao PORTO

<u>COUNT</u>	<u>DATE</u>	<u>FORGED "MARRIAGE CERTIFICATE"</u>
13	January 26, 1999	Barnstable County Marriage Certificate #12, reflecting marriage on January 12, 1999, of Kleber PEREIRA and Ninon DE FARIA
14	September 20, 1999	Barnstable County Marriage Certificate #000247, reflecting marriage on September 8, 1999, of Roger FREITAS and Valeria FREITAS

All in violation of Title 18, United States Code, Section 1001 and 2.

COUNTS FIFTEEN - EIGHTEEN

MAIL FRAUD: 18 U.S.C. §1341

(Scheme to Defraud Immigration Clients)

28. The Grand Jury realleges and incorporates by reference paragraphs 1-19 of this Indictment, and further charges that:

29. On or about the dates set forth below, at Hyannis in the District of Massachusetts and elsewhere,

JOAREZ REIS, aka JOSEPH REIS, aka JOE REIS, defendant herein, having devised and intending to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses and representations, and for the purpose of executing such scheme and artifice and attempting to do so, caused items to be placed in a post office and authorized depository for mail matter, to be sent and delivered by the Postal Service. To wit, he charged clients for his “services” while concealing from those clients that he had submitted fraudulent documents to the INS which falsely showed those clients as being “married” to persons whom they did not know, and caused the following mailings to be made in furtherance of his scheme:

<u>COUNT</u>	<u>DATE</u>	<u>ITEM MAILED</u>
15	08/28/99	Letter to INS with change of address for Geraldo Lucio Goncalves
16	10/01/98	Letter to INS with change of address for Waldemar Silva
17	09/01/98	Letter to INS with request for fingerprint card and change of address for Sandro Correa

<u>COUNT</u>	<u>DATE</u>	<u>ITEM MAILED</u>
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18	07/20/98	Letter to INS with request to add Cleberson de Oliveira Lemos, as spouse, to asylum application of Rita de Cascia Andrade
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All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS NINETEEN - THIRTY EIGHT

FALSE CLAIMS AGAINST THE UNITED STATES: 18 U.S.C. §287

(Submitting Phony Federal Tax Returns for Refunds)

30. The Grand Jury realleges and incorporates by reference paragraphs 1-2 and 20-25 of this Indictment, and further charges that:

31. On or about the dates set forth below, at Hyannis in the District of Massachusetts and elsewhere,

JOAREZ REIS, aka JOSEPH REIS, aka JOE REIS, defendant herein, caused to be made and presented to the United States Treasury Department, Internal Revenue Service, claims upon and against the United States, that is, federal income tax returns claiming tax refunds, knowing that the claims were false, fictitious and fraudulent in that the tax returns were not authorized by or known to the persons in whose names they were filed, the tax returns were not in fact signed by the persons whose names appeared upon them, and the tax returns included inaccurate information:

<u>COUNT</u>	<u>DATE</u>	<u>CLAIM AMOUNT</u>	<u>TAXPAYER NAME USED</u>	<u>TAX YEAR</u>
19	4/9/2000	1,108.00	Maria Das Gracas Campos	1997
20	4/9/2000	1,141.00	Maria Das Gracas Campos	1998
21	2/16/1999	1,210.00	Claudia Castro	1997
22	5/20/1999	1,284.00	Terezinha Coelho	1997
23	5/1/2000	1,153.00	Terezinha Coelho	1999
24	1/10/2000	1,122.00	Ailton DaFonseca	1996
25	1/10/2000	1,066.00	Ailton DaFonseca	1997
26	1/10/2000	1,070.00	Ailton DaFonseca	1998

<u>COUNT</u>	<u>DATE</u>	<u>CLAIM AMOUNT</u>	<u>TAXPAYER NAME USED</u>	<u>TAX YEAR</u>
27	1/10/2000	1,666.00	Maria DaFonseca	1996
28	1/10/2000	1,924.00	Maria DaFonseca	1997
29	1/10/2000	2,428.00	Maria DaFonseca	1998
30	11/19/1999	1,886.00	Dirce DaSilva	1996
31	11/19/1999	2,335.00	Dirce DaSilva	1997
32	10/19/1999	1,149.00	Nilva Jacinto B. Dutra	1996
33	10/19/1999	1,178.00	Nilva Jacinto B. Dutra	1997
34	10/19/1999	1,070.00	Nilva Jacinto B. Dutra	1998
35	1/19/2000	1,252.00	Nilva Jacinto B. Dutra	1999
36	5/1/2000	2,271.00	Carlos Pena	1997
37	5/1/2000	2,301.00	Carlos Pena	1998
38	1/1/1999	2,014.00	Vereni Silva	1998

All in violation of Title 18, United States Code, Section 287 and 2.

COUNTS THIRTY NINE - FIFTY FOUR

MAIL FRAUD: 18 U.S.C. §1341

(Submitting Phony Massachusetts Tax Returns for Refunds)

32. The Grand Jury realleges and incorporates by reference paragraphs 1-2 and 20-25 of this Indictment, and further charges that:

33. On or about the dates set forth below, at Hyannis in the District of Massachusetts and elsewhere,

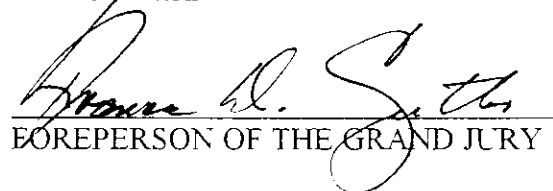
JOAREZ REIS, aka JOSEPH REIS, aka JOE REIS, defendant herein, having devised and intending to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses and representations, and for the purpose of executing such scheme and artifice and attempting to do so, caused to be placed in a post office and authorized depository for mail matter, things to be sent and delivered by the Postal Service. To wit, he submitted false and fraudulent tax returns to the Commonwealth of Massachusetts, in order fraudulently to induce the Commonwealth of Massachusetts to send refund checks:

<u>COUNT</u>	<u>CHECK DATE</u>	<u>CHECK AMOUNT</u>	<u>TAXPAYER NAME USED</u>	<u>TAX YEAR</u>
39	5/3/2000	221.00	Maria Das Gracas Campos	1997
40	5/22/2000	227.10	Maria Das Gracas Campos	1998
41	3/12/1999	221.00	Claudia Castro	1997
42	6/21/1999	220.20	Terezinha Coelho	1997
43	6/7/2000	231.20	Terezinha Coelho	1999
44	1/18/2000	221.00	Ailton DaFonseca	1997
45	1/18/2000	227.10	Ailton DaFonseca	1998

<u>COUNT</u>	<u>CHECK DATE</u>	<u>CHECK AMOUNT</u>	<u>TAXPAYER NAME USED</u>	<u>TAX YEAR</u>
46	1/14/00	297.00	Maria DaFonseca	1997
47	12/01/1999	365.60	Dirce DaSilva	1997
48	12/01/1999	359.00	Dirce DaSilva	1998
49	11/3/1999	221.00	Nilva Jacinto B. Dutra	1997
50	10/27/99	227.10	Nilva Jacinto B. Dutra	1998
51	1/31/2000	231.20	Nilva Jacinto B. Dutra	1999
52	6/2/2000	365.60	Carlos Pena	1997
53	5/26/2000	375.60	Carlos Pena	1998
54	1/25/1999	311.20	Vereni Silva	1998

All in violation of Title 18, United States Code, Sections 1341 and 2.

A TRUE BILL


FOREPERSON OF THE GRAND JURY


Paul G. Levenson
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS; June 18, 2003. @ 1:57 PM.

Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK